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Attorneys for Defendant ALLSAINTS USA LIMITED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MIRANDA VAROZ, on behalf of herself  
and all others similarly situated,

Plaintiff,

vs.

ALLSAINTS USA LIMITED, a foreign  
business corporation, doing business in  
California as ALLSAINTS SPITALFIELDS  
USA RETAIL LTD, and DOES 1 through  
50 inclusive,  
Defendants.

Case No. 3:16-cv-02597-MMA-AGS

**SECOND JOINT MOTION TO  
EXTEND DEFENDANT'S TIME  
TO RESPOND TO COMPLAINT**

Hon. Michael M. Anello  
COURTROOM 3A

Action Filed: September 19, 2016  
Action Removed: October 19, 2016

WHEREAS, on September 19, 2016, Miranda Varoz ("Plaintiff") filed her  
Complaint against Defendant AllSaints USA Limited ("AllSaints") in the Superior  
Court of California, County of San Diego, Case Number 37-2016-00032584-CU-  
MC-CTL;

WHEREAS, on September 23, 2016, AllSaints was served with a summons  
and copy of the Complaint, thereby establishing Monday, October 24, 2016, as  
AllSaints' deadline to answer, move or otherwise respond to the Complaint;

1 WHEREAS, on October 19, 2016, Defendant filed a Notice of Removal in the  
2 United States District Court for the Southern District of California pursuant to 28  
3 U.S.C. §§ 1441 and 1446, asserting federal question jurisdiction under 28 U.S.C.  
4 § 1331 and jurisdiction under the Class Action Fairness Act (“CAFA”), 28 U.S.C.  
5 §§ 1332(d), 1453, 1711 – 1715;

6 WHEREAS, Plaintiff and AllSaints agreed to a 30-day extension of  
7 AllSaints’ deadline to answer, move or otherwise respond to the Complaint and  
8 jointly moved for an order of the Court extending AllSaints’ deadline [Dkt. No. 4],  
9 which the Court granted on October 25, 2016 [Dkt. No. 5], setting November 28,  
10 2016 as AllSaints’ deadline to answer, move or otherwise respond to the Complaint;

11 WHEREAS, on November 3, 2016, AllSaints filed a Notice of Related Cases  
12 [Dkt. No. 8], which contends that this action is related, as provided under Civil  
13 Local Rule 40.1(f) and (g), to the putative class action currently pending against  
14 AllSaints in the United States District Court for the Northern District of Illinois,  
15 Eastern Division, titled *Barbara Mocek v. AllSaints USA Limited*, Case No. 16-cv-  
16 8484 (the “*Mocek* Action”);

17 WHEREAS, AllSaints has moved, pursuant to Federal Rule of Civil  
18 Procedure 12(b)(6), to dismiss the complaint filed in the *Mocek* Action on grounds  
19 which AllSaints contends may support dismissal of this action, and a decision on  
20 that motion is anticipated on November 30, 2016, or sometime thereafter;

21 WHEREAS, Plaintiff and AllSaints agree that it may benefit both parties to  
22 await the decision on AllSaints’ motion to dismiss pending in the *Mocek* Action  
23 before committing party, and perhaps judicial, resources to AllSaints’ answer or  
24 response to Plaintiff’s complaint in this matter; and

25 WHEREAS, AllSaints requested from Plaintiff, and Plaintiff agreed to, a brief  
26 30-day extension of AllSaints’ deadline to answer, move or otherwise respond to the  
27 Complaint to accommodate the anticipated ruling on AllSaints’ motion to dismiss  
28 that is pending in the *Mocek* Action.

1 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY  
2 STIPULATED AND AGREED, subject to the Court's approval, by and among the  
3 parties hereto, through their undersigned counsel, that AllSaints' deadline to answer,  
4 move or otherwise respond to the Complaint is extended until December 28, 2016.  
5 The parties hereto further agree that this joint motion shall not be construed as a  
6 waiver of AllSaints' venue, jurisdictional, or other challenges to the Complaint, or  
7 an admission of any of the allegations or legal theories asserted in it or any liability  
8 whatsoever to Plaintiff or the class she purports to represent.

9  
10 DATED: November 17, 2016

CARLSON LYNCH SWEET KILPELA &  
CARPENTER, LLP

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15 By: s/ Todd D. Carpenter

Todd D. Carpenter

16 Attorneys for Plaintiff Miranda Varoz

17 Email: tcarpenter@carlsonlynch.com

18 DATED: November 17, 2016

PROSKAUER ROSE LLP

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20  
21 By: s/ Ronald A. Valenzuela

Ronald A. Valenzuela

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23 Attorneys for Defendant

24 AllSaints USA Limited

25 Email: rvalenzuela@proskauer.com  
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**Signature Certification**

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Todd D. Carpenter, counsel for Plaintiff, and that I have obtained Mr. Carpenter's authorization to affix his electronic signature to this document.

DATED: November 17, 2016

PROSKAUER ROSE LLP

By: s/ Ronald A. Valenzuela  
Ronald A. Valenzuela

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